



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,111	02/06/2004	Scott E. Hrastar	4832	9009
23474 7590 04/03/2008 CLEMENTS BERNARD MILLER 1901 ROXBOROUGH ROAD SUITE 300 CHARLOTTE, NC 28211				
EXAMINER				
TRAN, TUAN A				
ART UNIT		PAPER NUMBER		
2618				
MAIL DATE		DELIVERY MODE		
04/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/774,111

Applicant(s)

HRASTAR, SCOTT E.

Examiner

TUAN A. TRAN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

1. Claims 1, 7-8, 10-14 and 23-26 rejected under 35 U.S.C. 102(e) as being anticipated by Gray et al. (6,674,403).

Regarding claims 1, 7-8, 10-14 and 23-25, Gray discloses a system and a method for surveying a wireless network site, the method comprising the steps of: (a) contacting a wireless network access point therefor; (b) receiving one or more client identifiers from the contacted access point, wherein the one or more client (device) identifiers are received by the contacted access point; (c) receiving position coordinate information from the contacted access point (obtained by the contacted access point using GPS device) as well as from local database of the system; (d) correlating (linking) the received one or more client identifiers with the received coordinate information; (e) receiving RF signal characteristic data from the contacted access point, wherein the RF signal characteristic data are obtained by the contacted access point; (f) storing survey data based upon the correlation (the linking) of the received one or more client identifiers, the received coordinate information and the received RF signal characteristic data; and (g) receiving a request for the survey data from a requestor and transmitting the stored survey data to the requestor (See figs. 1-2, 5, 7 and col. 3 line 5 to col. 5 line 26, col. 6 line 27 to col. 7 line 77, col. 11 line 31 to col. 12 line 29, col. 14 line 38 to col. 15 line 19).

Claim 26 is rejected for the same reasons as set forth in claims 1, 7-8, 10-14 and 23-25, as apparatus.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-6, 9, 15-22 and 26-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gray et al. (6,674,403).

Regarding claim 2, Gray discloses as cited in claim 1. However, Gray does not mention that the communication channel for contacting the access point is secure by employing encryption or authentication technologies. Since secure data communications utilizing encryptions or authentications are well known in the art; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use secure data channel communications for the advantage of preventing unauthorized data access.

Regarding claims 3-6 and 9, Gray discloses as cited in claim 1. However, Gray does not mention conducted handshake process before transferring data between two ends as recited in claims. Since conducting handshake process between two ends (i.e. two devices) before exchanging data is commonly known in the art and such handshake process recited in claims is merely a design choice; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure

the system, as disclosed by Gray, with such handshake process for the advantage of synchronizing the system in order to transfer data properly.

Regarding claims 15-22, Gray discloses as cited in claim 1. However, Gray does not mention that the client identifiers are SSID or MAC addresses and the position coordinate information is a bitmap with its corresponding pixel positions. Since SSID or MAC addresses are known in the art as device identifiers, and indicating location of an object using bitmap and its associated pixel positions is a common practice; therefore, it would have been obvious to one skilled in the art to configure the system, as disclosed by Gray, with such parameters for the advantage of expanding the capability of the system to various operational parameters to accommodate the design's intention.

Claim 26 is rejected for the same reasons as set forth in claims 2-6, 9 and 15-22, as apparatus.

Claims 27-33 are rejected for the same reasons as set forth in claims 15-22, as apparatus.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- USPAT/PGPUB (6,754,488/7,054,627/7,167,715/20020022491).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN A. TRAN whose telephone number is (571)272-7858. The examiner can normally be reached on Mon-Fri, 10:00AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tuan A Tran/
Primary Examiner, Art Unit 2618

